

REMARKS

Claims 1-3, 5-6, 8, and 10-11 are pending after entry of this paper. Claims 1-3, 5-6, 8, and 10-12 have been rejected. Claims 4, 7, 9, and 12 have been cancelled without prejudice. Applicants reserve the right to pursue cancelled claims in a divisional or continuing application.

Reconsideration and withdrawal of the pending rejections in view of the below remarks are respectfully requested.

Response to Rejections under 35 U.S.C. §112

Claim 3 has been rejected under 35 U.S.C. §112, second paragraph for indefiniteness. Specifically, the Examiner contends that “Claim 3 is vague and indefinite with respect to how the entire device can be plastic, since claim 1 now recites that the device includes the electrode which means that the device can not be entirely plastic as is now claimed in claim 3.” Office Action, p. 2.

Applicants respectfully disagree with the Examiner’s conclusion. Independent Claim 1, from which Claim 3 depends, states that “the insulation portion [of the single-piece device] is *attachable* to an electrode.” (emphasis added). The claimed device only need be *attachable* to an electrode. Figures 1 and 2 clearly demonstrate that the electrode is not part of the claimed single-piece device. In Figures 1 and 2, the claimed single-piece device **1** is outlined in bold while the suspension rod **5** of the electrode is depicted as a separate piece that passes through (dashed lines) the device **1** and attaches at the fastening point **14**. Thus, the claimed single-piece device clearly may be “made of plastic” as specified by dependent Claim 3.

Response to Rejections under 35 U.S.C. §102

Claims 1, 3, 5, 6, 8, 10, and 11 have been rejected under 35 U.S.C. §102(e) as being anticipated by Galloway et al. (U.S. Patent Appl. Pub. No. US 2004/0087838 A1). Applicants respectfully traverse the Examiner's 102(e) rejection. Galloway discloses a stylus or probe **42** having an electrode tip **44** and an electrode **38** that are electrically coupled to a primary base unit **18** of a meridian linking device **14**. Coming out of the meridian linking device **14** are two cables: a negative lead **36** attached to electrode **38** and a positive lead **40** attached to stylus **42**. The stylus **42** contains an insulated handle **41** that allows the technician to hold the stylus in order to press the electrode tip **44** against a patient. *See* Galloway, Figure 3 and ¶ 0085.

In contrast, the claimed invention is a single-piece device comprised of both a transfer portion and an insulation portion. For example, the transfer portion of the claimed device "is designed so that it is easy to grip by a transfer hook of the electrode transfer device or by a corresponding transfer element." Original Specification, ¶ 12. A particular embodiment of the transfer portion is depicted in Figures 1 and 2 where the transfer portion is provided with a grip lug **17** and the grip lug is provided with an inclined part **18**. *See also* Original Specification, ¶¶ 18-19. The insulation portion of the claimed device is that portion of the device which is attachable to an electrode. *See* Original Specification, ¶¶ 11, 18-19. The embodiments of Figures 1 and 2 show an insulation portion that has a fastening point **14** for attaching a suspension rod **5** of an electrode such that the suspension rod **5** passes through the insulation portion of the device. *See also* Original Specification, ¶¶ 18-19.

According to the Examiner, Galloway anticipates independent Claim 1 because Galloway discloses a "device that has a transfer and insulation portion (probe 42) that is of single piece (see figure 3 and paragraph 0085) that is attached to an electrode [44] (attached by being

inside the probe handle).” Applicants respectfully disagree with the Examiner’s conclusions regarding the teaching of Galloway and assert that Galloway does not disclose each and every element of the claimed invention as applied to independent Claim 1. In particular, Galloway does not disclose a *single piece device comprised of both a transfer portion and an insulation portion* as required by Claim 1. Galloway provides no indication that stylus **42** is comprised of both a transfer portion and insulation portion. Galloway simply describes the stylus **42** as being comprised of an insulated handle **41** and an electrode tip **44**. *See* Galloway, Figure 3 and ¶ 0085. The Examiner contends that this insulated handle **41** serves as *both* the transfer portion and insulation portion of the stylus **42**. Office Action, p. 3 (“the probe handle is the insulation portion” and “[t]he grip lug is construed by the examiner to be that of the probe handle”). However, Claim 1 requires that the single-piece device be comprised of *both* a transfer portion and an insulation portion such that the insulation portion “is attachable to an electrode” and the transfer portion “is designed so that it is easy to grip by a transfer hook of the electrode transfer device or by a corresponding transfer element.” *See* Claim 1; Original Specification, ¶¶ 11-12. In other words, the transfer portion and insulation portion of the claimed device are different structural elements that cannot be anticipated by a device comprised of one structural element, a handle, that purportedly acts as both the transfer portion and insulation portion.

Furthermore, Claim 1 clearly specifies that it is the insulation portion, not the transfer portion, of the single-piece device that is attachable to an electrode. Because the Examiner contends that the insulated handle **41** serves as both the transfer portion and the insulation portion of the stylus **42**, Galloway does not anticipate the claimed device because Galloway does not disclose a single-piece device comprised of both a transfer portion and an insulation portion, where only the insulation portion is attachable to an electrode.

In view of these arguments, Applicants assert that independent Claim 1 is not anticipated by Galloway. Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102(e) rejection of independent Claim 1 and dependent Claims 3, 5-6, 8, 10-11.

Response to Rejections under 35 U.S.C. §103

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Galloway in view of Yan et al. (U.S. Patent No. 6,099,600). Specifically, the Examiner admits that Galloway does not disclose a chemically resistant and insulating material and combines Yan for allegedly teaching this device material. Office Action, p.g. 5, in view of the argument that independent Claim 1 is not anticipated by Galloway, Applicants submit that dependent Claim 2 is also allowable as Yan does not correct the deficiencies of Galloway with respect to Galloway's failure to anticipate a single-piece device comprised of both a transfer portion and an insulation portion.

Dependent Claims

Applicants have not independently addressed all of the rejections of the dependent claims. Applicants submit that for at least similar reasons as to why independent Claim 1 from which all of the dependent Claims 2-3, 5-6, 8, 10-11 depend are believed allowable as discussed *supra*, the dependent claims are also allowable. Applicants however, reserve the right to address any individual rejections of the dependent claims and present independent bases for allowance for the dependent claims should such be necessary or appropriate.

Thus, Applicants respectfully submit that the invention as recited in the claims as presented herein is allowable over the art of record, and respectfully request that the respective rejections be withdrawn.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. Favorable action by the Examiner is earnestly solicited.

AUTHORIZATION


The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4819-4714.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4819-4714.

Respectfully submitted,
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